

Initial conference is adjourned from  
January 26, 2024 to March 6, 2024  
at 3:30 p.m. Dial-In No.: 1-888-363-4749,  
Access Code: 3667981.

SO ORDERED.  
Dated: 1/8/2024

VIA ECF



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Hon. P. Kevin Castel  
United States District Judge  
Southern District of New York  
500 Pearl Street, Courtroom 11D  
New York, New York 10007

A handwritten signature of P. Kevin Castel in black ink.

P. Kevin Castel  
United States District Judge

**Re: *Travelers Property Casualty Company of America v. AXIS Insurance Company***  
**Case No. 1:23-cv-05747-PKC**

**JOINT LETTER & REQUEST FOR ADJOURNMENT OF INITIAL PRETRIAL  
CONFERENCE FOR THIRTY (30) DAYS**

Dear Judge Castel:

This office represents Defendant AXIS Insurance Company (“AXIS”) in connection with the above matter, which is presently scheduled for an initial pretrial conference on January 12, 2024 at 10:30 a.m. Plaintiff Travelers Property Casualty Company of America (“Travelers”) and AXIS submit this joint letter to provide the Court with certain information, and **they also seek a brief adjournment of the initial pretrial conference and the setting of the Civil Case Management Plan & Scheduling Order, for thirty (30) days**, to facilitate the completion of a settlement between the parties.

**BRIEF DESCRIPTION OF THE CASE**

In this action, Travelers seeks declaratory relief in connection with an underlying lawsuit entitled *Geovanny Cajamarca v. Sciame Construction LLC, et al.*, pending in the Supreme Court of the State of New York, Queens County, under index no. 713663/2021 (the “Underlying Action”). The Underlying Action arises out of alleged bodily injury to Geovanny Cajamarca, an employee of Regulator Construction Corp. (“Regulator”), on April 26, 2021 at the construction site located at 335 Madison Avenue, New York, New York (the “Project”). Cajamarca brought the Underlying Action against Sciame Construction LLC (“Sciame”) and 335 Madison. Sciame subsequently commenced a third-party action against Regulator.

335 Madison hired Sciame to serve as a construction manager for the Project. Sciame then entered into a subcontract with Regulator for the Project. The subcontract contained certain insurance procurement provisions that are the subject of this declaratory judgment action.

Travelers issued commercial general liability policy no. VTC2J-CO-3612A411-TIL-20 to Sciame for the policy period June 1, 2020 to June 1, 2021. AXIS issued commercial general liability policy

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no. P-001-000110708-03 to Regulator for the policy period March 7, 2021 to March 7, 2022. Travelers sent a tender letter to AXIS on July 26, 2021, based on the language of the subcontract between Sciame and Regulator. Travelers then filed this declaratory judgment action, seeking a declaration that AXIS owes a duty to defend and indemnify Sciame and 335 Madison, and reimbursement of defense costs incurred by Travelers, in connection with the Underlying Action.

### **CONTEMPLATED MOTIONS**

None at this time. If this matter does not settle, however, Travelers anticipates filing a partial motion for summary judgment with respect to AXIS' duty to defend.

### **PROSPECT FOR SETTLEMENT**

Travelers and AXIS have been actively engaged in settlement discussions and are currently in the process of resolving their differences in this action. The parties are hopeful that the matter will be resolved within the next thirty (30) days.

### **REQUEST FOR ADJOURNMENT**

Because of the parties' significant progress toward resolution, Travelers and AXIS jointly request a thirty (30) day adjournment of (1) the January 12, 2024 Initial Pretrial Conference, and (2) the setting of the Civil Case Management Plan & Scheduling Order. No previous requests for adjournment have been made, and all parties consent to this request.

Should the Court require more information, we are happy to make ourselves available for a telephone conference at the Court's convenience.

Respectfully,

COZEN O'CONNOR



By: Melissa F. Brill  
MB

cc: Counsel of record (via ECF)